

**Testimony of
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**regarding the
Magnusen-Stevens Fishery and Conservation Act**

**before the
Senate Subcommittee on Fisheries and Oceans
Committee on Commerce, Science and Transportation**

September 25, 1999

Madame Chairman and members of the Subcommittee, thank you for inviting me to testify on the implementation and reauthorization of the Magnusen-Stevens Fishery Conservation and Management Act. I am Donald W. Perkins, Jr., President of the Gulf of Maine Aquarium Development Corporation and the Public Member of the Maine Department of Marine Resources Advisory Committee, an appointed body that represents Maine's fishery and public interests in the final review of Maine's fishery management regulations before they are implemented.

As context for my testimony, I would also note that: (1) the Gulf of Maine Aquarium has a mission of educating the public about Maine's aquatic resources, facilitating marine research and serving as a neutral forum for Maine's aquatic interests; (2) we have served as the neutral forum during the past four years for Gulf of Maine herring fishermen, processors and state and federal scientists to develop and implement research priorities; (3) we have recently initiated a similar forum for Maine's groundfish industry and science interests to develop research priorities; (4) though I will testify based on our experience as a neutral convenor, I would like to make it clear that my testimony represents my personal views and that I do not speak on behalf of my employer.

During the course of these hearings, you will hear extensive testimony on a variety of contentious issues such as whether Average Maximum Sustainable Yield of a complex of species should replace Maximum Sustainable Yield of individual species or whether to relax or strengthen Essential Fish Habitat language. I would like request your attention to two issues that are mundane, but will have profound effect on whether Fishery Management Councils have adequate information to make sensible management decisions, regardless of the legislative outcome on more contentious issues.

1. Joint Industry/Science Research Priorities:

Section 404(b) of the Fishery Conservation and Management Act currently requires that the Secretary "shall develop... a strategic plan for fisheries research... a comprehensive program with a limited number of priority objectives [in the areas of fishery conservation and management; conservation engineering; social, cultural and economic relationships; and information management]... indicate goals and

timetables... provide a role for commercial fishermen in such research... and provide for collection and dissemination in a timely manner... and provide for coordination with affected States and other research entities."

Section 402(e) provides that the Secretary "may use the private sector... to survey the fishery resources... when such an arrangement will yield statistically reliable results... may compensate a contractor for a fishery resource survey by allowing the contractor to retain for sale fish harvested during the survey... may provide compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the allowable catch of the surveyed fishery... may permit fish harvested during such survey to count toward a vessel's catch history... [and] shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation."

I would suggest two changes to these sections:

A. Amend Section 404(b) to require that the fishing industry be involved as equal partners in establishing research priorities, and

B. Amend Section 402(e) to require that the Secretary shall use the private sector to survey fishery resources, etc.

Our extensive work with the herring industry and state and federal herring research interests has demonstrated that industry has enormous insight and resources to contribute to the development and execution of a relevant, effective fishery research mission. Moreover, a fishing industry that is vested and involved in executing a research mission is likely to support the results. Our initial work with groundfish industry/science interests and others' work with lobster industry/science interests confirms our experience in the herring fishery. A disciplined legislative nudge by the next generation of the Fishery Conservation and Management Act will insure that existing federal institutions commit to and follow through on taking advantage of the fishing industry's experience, insight and resources to improve and expand the Nation's fishery resource assessment capabilities.

2. Economic Data:

During the past several years, we have seen social scientists appear in our communities on a periodic basis in the course of their sociological or economic research on the fishing industry. In Maine where fishing communities are relatively small and spread out over a large area, these researchers tend to focus on the most visible, accessible fishing interests who are the easiest to characterize from a social or economic point of view. As a result, they miss entire fishing communities and entire fishing fleets, both current and recently past, in the course of their analyses. Thus these communities and fleets are totally ignored during explicit and implicit economic impact discussions that occur during the course of fishery management council decisions.

To insure that Maine's fishing communities and vessels are adequately characterized from an economic point of view, I would suggest the following changes:

- A. Add language to Section 404 that requires the Secretary to establish written social science research standards (particularly pertaining to economic research) that will insure sampling and valuation of all current and recently past participants in a fishery, regardless of how visible and accessible each sector may be, so that each participant's value and the economic impact of management decisions on each participant will be more fully considered.**
- B. Amend Section 402(a) to allow a Council to collect confidential commercial or financial information regarding fishing and fish processing operations, provided that adequate confidentiality safeguards are established, in order to allow for effective economic characterization of subject fisheries.**

I would also like to encourage your consideration of amending the Fishery Conservation and Management Act to allow for experimentation in how federal fisheries are managed. We have all listened to and been party to the demonizing of fishermen, federal scientists and federal fishery managers during the endemic fishery crises of the past fifteen years. Regardless of such hype, I am continually impressed by the deep and honest desire each of these parties has to find a better way to manage our fishery resources. Thus the Act should provide the opportunity to innovate under controlled circumstances, (just as any successful private sector enterprise supports the development of new products or sometimes even entirely new businesses that cannibalize the old business, and, in doing so, insure the success of the enterprise).

3. Experimental Fishery Management:

Add a Section to the Fishery Conservation and Management Act that defines the means for planning and implementing innovative fishery management experiments for federal fisheries. Key components would be: (1) how to identify the geographic scale of the experiment and the affected harvesters; (2) how to define measurable performance standards to monitor performance against subject fishery stock status and cease the experiment if it is not achieving its objectives; (3) how to provide the relevant stock assessment advice; (4) what federal entities, industry interests and other public interests must be represented in the experiment; and (5) what entity (presumably the Secretary of Commerce) would consider proposals for fishery management experiments.

In the event that there is serious interest in developing such language, we would be interested in assisting in its development.

Thank you for the opportunity to testify and I would be happy to answer any questions you or members of the Subcommittee may have.